

stations to relocate up to ten miles as minor changes. The proposal relating to antenna height is ill considered, and should be rejected.

FAA Authorization. The FCC proposes to require applicants to inform the Commission when the FAA issues determinations with respect to transmission or receive site towers. The Educational Parties have no objection to such a requirement. Most applicants already provide this information to speed processing.

Interference Studies. The FCC proposes that applicants relying on radio horizon or terrain blockage to avoid interference should submit terrain profiles and a quantitative analysis of any additional signal loss calculated by using the Longley-Rice propagation model, Version 1.2.2, in the point-to-point mode. The FCC also proposes to disregard any claim of signal blockage caused by artificial structures. Once again, the Educational Parties have no objection to this proposal. Many of them are specifically familiar with the Longley-Rice model, which is often relied on by NTIA.

Reasonable Assurance of Receive Sites. The FCC proposes to require a letter of assurance from the applicant, listing receive sites' contact people, titles and telephone numbers, in order to permit the Commission to confirm that all receive sites listed in the application have agreed to participate in the proposed ITFS system.

The Educational Parties believe this requirement is unnecessary. It will create a substantial amount of paperwork for applicants, as well as form a convenient forum of attack for parties that may try to harass or undermine the participation of an ITFS applicant's receive sites. The Educational Parties believe it is sufficient for the

FCC to make plain that listing receive sites in an application constitutes a representation that the receive sites have been contacted and have agreed to participate or, in the alternative, are under the jurisdiction of some authority that can mandate their participation. The Educational Parties would put the burden of proof on parties challenging receive sites, requiring challengers to document their claims that receive sites have been wrongfully specified.

In considering this issue, the FCC needs to understand that not all receive sites are themselves accredited schools. Indeed, many sites are work places (often at private businesses), community gathering places (such as public libraries and education centers) or other public locations (such as hospitals, police stations, jails, fire stations and the like). With respect to some such sites, their "participation" may consist merely of permitting receive site equipment to be installed for viewing by their employees or the public, rather than any specific commitment to incorporate ITFS programming into their instructional or educational programs. All in all, there is little reason for the FCC to insert itself into the ITFS operator/receive site relationship.

Accreditation of Applicants. The FCC also proposes to require applicants to state whether and by whom each school listed as a receive site is accredited. The FCC wonders whether it should require a majority of receive sites to be accredited in order for an application to be grantable, and it wonders whether it should grant interference protection for any unaccredited receive site.

With respect to this particular proposal, the Educational Parties believe the FCC is seriously confused. It is proposing to require accreditation standards for receive sites when it doesn't even require ITFS applicants themselves to be accredited! More importantly, the FCC seems to miss the point that distance learning in the United States, including over ITFS, has gone far beyond the mere delivery of in-class instructional programming from a school district's central office to various classrooms in accredited schools across the district. Many receive sites are non-school sites (businesses, libraries, education centers, police/fire stations, hospitals and so forth) which serve as places for students, often adult students, to gather and view educational fare. So long as the party offering the programming (not necessarily the licensee, by the way) is accredited and offers credit for some of its programming, and so long as that party's students can take courses at listed receive sites, there is no basis for the FCC to look to the accreditation status of receive sites.

Conclusion

The Educational Parties urge the Commission to approve the window filing procedure and adopt other rules consistent with these joint comments.

Respectfully submitted,

AMERICAN COUNCIL ON EDUCATION

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